

IN THE COMMON PLEAS COURT OF BELMONT COUNTY, OHIO

LESLIE ALLEN,  
4461 Harrison St.  
Bellaire, OH 43906

Plaintiff,

vs.

DOLGEN MIDWEST, LLC d/b/a  
DOLLAR GENERAL  
c/o Corporation Service Company  
50 West Broad Street, Suite 1330  
Columbus OH 43215

BI IMPERIAL, LLC  
National Registered Agents, Inc.  
4400 Easton Commons Way, Suite 125  
Columbus Oh 43219

Defendants.

CASE NO: 19CV345

JUDGE

Frank A. Fregiato

COMPLAINT – ACTION FOR  
PERSONAL INJURY

JURY DEMAND ENDORSED  
HEREON

NOW COMES the Plaintiff, Leslie Allen, by and through the undersigned counsel, and for her Complaint against the Defendants, Dolgen Midwest, LLC d/b/a Dollar General and BI Imperial LLC, states and avers as follows:

GENERAL ALLEGATIONS

1. The Plaintiff, Leslie Allen, is a citizen and resident of Bellaire, Belmont County, Ohio.
2. Upon information and belief, the Defendant, Dolgen Midwest, LLC, d/b/a Dollar General (“Dollar General”), is a Tennessee limited liability corporation, licensed to conduct business in the State of Ohio, and at all times relevant herein, was doing business in Belmont County, Ohio through the operation of a store located at 380 28<sup>th</sup> Street, Bellaire, Belmont County, Ohio.

State of Ohio  
Belmont County  
Cynthia L. Fregiato, Clerk of Courts, do  
hereby certify that the above is a true  
and correct copy of the original on file  
in this office.

Cynthia L. Fregiato, Clerk of Courts

By [Signature] Deputy

3. Upon information and belief, the Defendant, BI Imperial, LLC, is a Delaware limited liability company, licensed to conduct business in the State of Ohio, and at all times relevant herein, was doing business in Belmont County, Ohio, as the owner of the real estate located at 380 28<sup>th</sup> Street, Bellaire, Belmont County, Ohio, at which the store of the Defendant, Dollar General, is located.

4. At all times relevant herein, the Plaintiff, Leslie Allen, acted reasonably, carefully, safely and without negligence.

### COUNT I

5. Plaintiff hereby incorporates by reference paragraphs 1 through 4 of this Complaint as if fully set forth herein.

6. On or about September 28, 2017, the Plaintiff, Leslie Allen, was an invitee at the store of the Defendant, Dollar General, located at 380 28<sup>th</sup> Street, Bellaire, Belmont County, Ohio.

7. At the aforementioned time and place, the Plaintiff, Leslie Allen, was navigating her wheelchair down a wheelchair ramp in front of the Defendant's Dollar General store when a rug placed on the ramp by the Defendant, Dollar General, its agents, servants, and/or employees caused the Plaintiff's wheelchair to tip and threw the Plaintiff directly to the concrete resulting in severe and disabling permanent injuries.

8. At the aforementioned time and place, the Defendant, Dollar General, by and through its agents, servants and/or employees, was negligent, careless, and/or reckless in at least the following particulars:

- a. failing to conduct a reasonable inspection of the premises, including an inspection of the wheelchair ramp fronting its store;

- b. failing to properly maintain the wheelchair ramp area by creating a hazard through the placement of the rug;
- c. failing to maintain its premises in a reasonably safe condition;
- d. failing to correct the dangerous and/or hazardous condition on the premises, thereby allowing a dangerous condition to exist and jeopardizing the safety of the Plaintiff and other business invitees;
- e. obstructing the wheelchair ramp; and/or
- f. failing to warn the Plaintiff and other business invitees of dangerous conditions on the premises through adequate safeguards to prevent injury to the Plaintiff and other business invitees, such as warning signs or sufficient instructions

9. As a direct and proximate result of the negligent, careless, and/or reckless conduct of the Defendant, Dollar General, the Plaintiff, Leslie Allen, sustained severe and disabling personal injuries, was forced to seek medical treatment and incur medical expenses, has and will in the future incur pain and suffering, mental anguish, aggravation, inconvenience, the loss of enjoyment of life, the loss of the ability to function, and future medical and other expenses.

## COUNT II

10. Plaintiff hereby incorporates by reference paragraphs 1 through 4 of this Complaint as if fully set forth herein.

11. At all times relevant herein, the Defendant, BI Imperial, LLC, as the owner of the real estate, had a duty to the Plaintiff and other invitees to assure that its real estate was free of hazards, and more particularly, that the wheelchair ramps located on the real estate were safe and free of hazards.

12. On or about September 28, 2017, the Plaintiff, Leslie Allen, was an invitee on the real estate of the Defendant, BI Imperial, LLC, located at 380 28<sup>th</sup> Street, Bellaire, Belmont County, Ohio.

13. At the aforementioned time and place, the Plaintiff, Leslie Allen, was navigating her wheelchair down a wheelchair ramp in front of the Dollar General store on the real estate of the Defendant, BI Imperial, LLC, when a rug placed on the ramp caused the Plaintiff's wheelchair to tip and threw the Plaintiff directly to the concrete resulting in severe and disabling permanent injuries.

14. At the aforementioned time and place, the Defendant, BI Imperial, LLC, by and through its agents, servants and/or employees, was negligent, careless, and/or reckless in at least the following particulars:

- a. failing to conduct a reasonable inspection of the premises, including an inspection of the wheelchair ramp fronting the Dollar General store;
- b. failing to properly maintain the wheelchair ramp area by allowing a hazard to exist through the placement of the rug;
- c. failing to maintain its premises in a reasonably safe condition;
- d. failing to correct the conduct of its tenant, Defendant, Dollar General, in placing an obstruction in the wheelchair ramp fronting the Dollar General store;
- e. failing to correct the dangerous and/or hazardous condition on the premises, thereby allowing a dangerous condition to exist and jeopardizing the safety of the Plaintiff and other business invitees; and/or

- f. failing to warn the Plaintiff and other business invitees of dangerous conditions on the premises through adequate safeguards to prevent injury to the Plaintiff and other business invitees, such as warning signs or sufficient instructions

15. As a direct and proximate result of the negligent, careless, and/or reckless conduct of the Defendant, BI Imperial, LLC, the Plaintiff, Leslie Allen, sustained severe and disabling personal injuries, was forced to seek medical treatment and incur medical expenses, has and will in the future incur pain and suffering, mental anguish, aggravation, inconvenience, the loss of enjoyment of life, the loss of the ability to function, and future medical and other expenses.

#### **PRAYER**

WHEREFORE, the Plaintiff, Leslie Allen, respectfully demands judgment against the Defendants, Dolgen Midwest, LLC d/b/a Dollar General and BI Imperial LLC, jointly and severally, for all damages allowed under applicable law in an amount to be determined and in excess of Twenty-Five Thousand Dollars (\$25,000.00), together with pre-judgment and post-judgment interests and costs, and for such other relief, both general and special, as to the nature of the matter this Court deems just and proper.

#### **PLAINTIFF DEMANDS A TRIAL BY JURY**

LESLIE ALLEN, Plaintiff

By 

Counsel

Kevin M. Pearl, Esq. (I.D. #0074772)  
FRANKOVITCH, ANETAKIS, SIMON,  
DECAPIO & PEARL, LLP  
337 Penco Road  
Weirton, WV 26062  
(304) 723-4400 (p)  
(304) 723-5892 (f)  
[kevin@faslaw.com](mailto:kevin@faslaw.com)